

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
DOCKET NO. 5:15-CV-00097-BO**

KIRSTEN MESSMER,

Plaintiff,

v.

DONNIE HARRISON, in his Official Capacity  
as Sheriff of Wake County, North Carolina,  
PAT McCRORY, in his Official Capacity as  
Governor of North Carolina, ROY COOPER, in  
his Official Capacity as Attorney General of  
North Carolina, and FRANK L. PERRY, in his  
Official Capacity as Secretary of the North  
Carolina Department of Public Safety,

Defendants.

**DEFENDANT DONNIE HARRISON'S  
MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Civil Rule 7.3, Defendant Donnie Harrison ("Sheriff Harrison") respectfully moves the Court for an order dismissing the Complaint. In connection with the instant motion, Sheriff Harrison is contemporaneously filing a memorandum of law.

Respectfully submitted the 1st day of April, 2015.

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**COUNSEL FOR DEFENDANT  
SHERIFF DONNIE HARRISON**

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record as follows:

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McCrory, Attorney General Roy  
Cooper and Frank L. Perry*

This the 1st day of April, 2015.

s/ Andrew H. Erteschik  
Andrew H. Erteschik